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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,563	07/31/2003	Tom Cheng	13914-031001/2003P00497	2608
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FISH & RICHARDSON, P.C. PO BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER PANNALA, SATHYANARAYA R	
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			2164	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/632,563

Applicant(s)

CHENG ET AL.

Examiner

Sathyanarayan Pannala

Art Unit

2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 12, 14-16, 18-23, 25, 27-30 and 32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-10, 12, 14-16, 18-23, 25, 27-30 and 32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Applicants Amendment filed on 12/20/2007 has been entered with amended claims 16, 18-23, newly added claims 33-35 and cancelled claim 17. In this Office Action, claims 1-10, 12, 14-16, 18-23, 25, 27-30 and 32 are pending.

Claim Objections

2. Claim 14-23 and 25 are objected to because of the following informalities: Applicant included in claim 14 phrased as "operable" and it is not a definite recitation and will not have any patentability weight. Therefore, claims 14-23 and 25 fall under non-statutory subject matter. Appropriate correction is required.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 27-30 and 32 are rejected under 35 U.S.C. § 101, because none of the claims are directed to statutory subject matter. Independent claim 27 merely claiming functional descriptive material, i.e., abstract ideas. Even when a claim that recites a computer that solely calculates a mathematical formula or a computer disk that solely

Art Unit: 2164

stores a mathematical formula is not directed to the type of statutory subject matter eligible for patent protection. The claims are not producing useful, concrete and tangible results. See *Diehr*, 450 U.S. at 186 and *Gottschalk v. Benson*, 409 U.S. 63, 71-72 (1972).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-10, 12, 14-23, 25, 27-30 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dorsett Jr. (US Patent 6,658,429) hereinafter Dorsett, and in view of Woolston et al. (US Patent 6,856,967) hereinafter Woolston.

7. As per independent claims 1, 14, 27, Dorsett teaches a method implementing techniques for processing from chemical experimentation for or on a library of materials or a subset of such a library of materials (col. 2, lines 39-45). Dorsett teaches the claimed, retrieving data from an identified database object, the database object data including attribute data for the database object (Fig. 1, col.5, lines 31-38). Dorsett teaches the claimed, retrieving metadata from the database object, the metadata including a name, a data type, and a value for each attribute of the database object (Fig. 1, col. 9, lines 26-43 and col. 13, lines 14-19). Dorsett teaches the claimed, creating and storing an electronic file for the database object in a generalized data format constructing a generalized data structure for the attribute data using the metadata (Fig. 1, col. 9, lines 20-30). Dorsett teaches the claimed, parsing the attribute data into the generalized data structure (Fig. 1, col. 19, lines 18-21). Dorsett teaches the claimed, exporting the electronic file to one or more external systems for display using an application residing on the one or more external systems (Fig. 1, col. 20, lines 40-43).

Dorsett does not explicitly teach an application dealing with bid price. However, Woolston teaches the claimed, (Fig. 12, col. 16, line 64 to col. 17, line 1). Thus, it would have been obvious to one of ordinary skill in the data processing art at the time of the invention, to have combined the teachings of the cited references because Woolston's teachings would have allowed Dorsett's method to provide a consistent

navigational or taxonomy scheme to navigate and find pricing information in a heterogeneous computing environment and found on the internet (col. 2, lines 40-45).

8. As per dependent claims 2, 15, 28, Dorsett teaches the claimed, Dorsett teaches the claimed, receiving a request for database object data associated with a particular database object (Fig. 1, col. 7, lines 35-43).

9. As per dependent claims 3, 16, 29, Dorsett teaches the claimed, retrieving database object data comprises retrieving opportunity header data and data for one or more opportunity listings (col. 2, line 55 to col. 3, line 10).

10. As per dependent claims 4, 17, Dorsett teaches the claimed, the database object data includes data related to a desired commercial transaction (col. 2, lines 45-54).

11. As per dependent claims 5, 18, Dorsett teaches the claimed, the opportunity header data includes an opportunity type and an opportunity identifier (col. 3, lines 40-54).

12. As per dependent claims 6, 19, Dorsett teaches the claimed, the data for one or more opportunity listings includes product data, the product data associated with a product to be obtained as a result of the desired commercial transaction (col. 3, lines 40-54).

13. As per dependent claims 7, 20, Dorsett teaches the claimed, the data for one or more opportunity listings includes service data, the service data associated with a service to be obtained as a result of the desired commercial transaction (col. 3, lines 40-54).

14. As per dependent claims 8, 21, 30, Dorsett teaches the claimed, retrieving database object data comprises retrieving response data associated with the one or more opportunity listings (Fig. 1, col. 7, lines 57-61).

15. As per dependent claims 9, 22, Dorsett does not explicitly teach an application dealing with bid price. However, Woolston teaches the claimed, the response data includes a bid amount corresponding to one or the one or more opportunity listings (Fig. 12, col. 16 line 64 to col. 17, line 7). Thus, it would have been obvious to one of ordinary skill in the data processing art at the time of the invention, to have combined the teachings of the cited references because Woolston's teachings would have allowed Dorsett's method to provide a consistent navigational or taxonomy scheme to navigate and find pricing information in a heterogeneous computing environment and found on the internet (col. 2, lines 40-45).

16. As per dependent claims 10, 23, Dorsett teaches the claimed, retrieving database object data includes executing one or more series query language statements according to a persistence layer implementation (Fig. 1, col. 9, lines 18-22).

17. As per dependent claims 11, Dorsett does not explicitly teach an application dealing with bid price. However, Woolston teaches the claimed, the attribute data includes data for a first set of static attributes and a first set of dynamic attributes (Fig. 12, col. 16, line 64 to col. 17, line 1). Thus, it would have been obvious to one of ordinary skill in the data processing art at the time of the invention, to have combined the teachings of the cited references because Woolston's teachings would have allowed Dorsett's method to provide a consistent navigational or taxonomy scheme to navigate and find pricing information in a heterogeneous computing environment and found on the internet (col. 2, lines 40-45).

18. As per dependent claims 12, 25, 32, Dorsett teaches the claimed, the generalized data structure conforms to extensible markup language (XML) format (Fig. 1, col. 9, lines 50-55).

19. As per dependent claims 16, Dorsett does not explicitly teach an application dealing with bid price. However, Woolston teaches the claimed, retrieving database object data comprises retrieving opportunity header data associated with an and data for one or more opportunity listings to bid on a possible commercial transaction between

a purchaser of goods or services and a supplier of the goods or services, the retrieved data including opportunity data associated with the opportunity to bid and listing data associated with the goods or services corresponding to the possible commercial transaction (Fig. 12, col. 16, line 64 to col. 17, line 1). Thus, it would have been obvious to one of ordinary skill in the data processing art at the time of the invention, to have combined the teachings of the cited references because Woolston's teachings would have allowed Dorsett's method to provide a consistent navigational or taxonomy scheme to navigate and find pricing information in a heterogeneous computing environment and found on the internet (col. 2, lines 40-45).

Response to Arguments

20. Applicant's arguments filed on 12/20/2007 have been fully considered but they are not persuasive and details as follows:

- a) Applicant's arguments regarding claims 14-23 and, 25, rejection under 35 U.S.C. 101 is not persuasive. However, these claims are objected instead of the rejection. The other claims 27-30 and 32 rejection under 35 U.S.C. 101 is maintained.
- b) Applicants' argument stated as "Substantively, Applicants continue to argue that neither Dorsett, nor Woolston, nor the combination of Dorsett and

Woolston discloses or suggests independent claims 1, 14 or 27" (see page 13, paragraph three).

In response to Applicants' argument, Examiner respectfully disagrees, because Applicant combined few dependent claims with independent claims in the earlier amendment and based on the amendment, Examiner combined two references. These two references combined teach all claims and their limitations. Therefore, the rejection is maintained.

Restriction Based on Original Presentation

21. Newly submitted claims 33-35 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

a) Original claims are directed to Database Processing and they are classified under 707/1.

b) Newly added claims have the distinct subject matter and they are directed to Inter-program Communication or Inter-process communication (IPC), classified as 705/81. The distinct subject matter included in claims is: Electronic Negotiation -- Automated electrical financial or business practice or management arrangement.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 33-35 are withdrawn from consideration

as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Conclusion

22. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sathyanarayan Pannala whose telephone number is (571) 272-4115. The examiner can normally be reached on 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2164

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Sathyanarayan Pannala/
Primary Examiner

srp
April 2, 2008